IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

WP(C).No. 905 of 2004(G)

PETITIONER:

THE KERALA STATE SMALL SCALE INDUSTRIES ASSOCIATION, MALAPPURAM DISTRICT COMMITTEE, MANJERI, REP. BY ITS CONVENOR, K.MOIDUTTY.

BY ADV. SRI.BABU S. NAIR.

RESPONDENTS:
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1. **THE STATE OF KERALA REP. BY THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT, TRIVANDRUM.**
2. **THE PRINCIPAL CHIEF CONSERVATOR OF FOREST, TRIVANDRUM.**
3. **THE DIRECTOR, FACTORIES AND BOILERS, TRIVANDRUM.**
4. **THE DIVISIONAL FOREST OFFICER (NORTH), NILAMBUR, MALAPPURAM DISTRICT.**
5. **THE DIVISIONAL FOREST OFFICER (SOUTH) NILAMBUR, MALAPPURAM DISTRICT.**
6. **THE INSPECTOR OF FACTORIES AND BOILERS, MALAPPURAM.**

BY GOVERNMENT PLEADER SMT. K.R. DEEPA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.905/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE CIRCULAR NO. 2/2002 OF THE R.2.

EXT.P.2: COPY OF THE LIST OF THE INDUSTRIAL UNITS, WHERE NO-OBJECTION CERTIFICATES WERE ISSUED BY THE 4TH & 5TH RESPONDENTS.

EXT.P.3: COPY OF THE LIST OF THE INDUSTRIAL UNITS, WHERE NO-OBJECTION CERTIFICATES WERE NOT ISSUED.

EXT.P.4: COPY OF THE NOTICE ISSUED BY THE R.6 DIRECTING ONE NAZEEMA WOOD WORKS TO SUBMIT THE N.O.C ON OR BEFORE 15TH SEPTEMBER 2003.

EXT.P.5: COPY OF THE NOTICE ISSUED BY THE R.6 DIRECTING ONE UNNIYAL WOOD INDUSTRIES UNITS TO SUBMIT THE N.O.C. ON OR BEFORE 15TH SEPTEMBER 2003.

EXT.P.6: COPY OF THE JUDGMENT IN W.P.(C). NO. 33586/2003 DTD. 27/10/2003 OF THIS COURT.

RESPONDENT'S ANNEXURES:

ANNEXURE R4.A: COPY OF NAME AND ADDRESSES OF THE APPLICANTS WHO WERE GRANTED/REJECTED N.O.C FROM NILAMBUR NORTH DIVISION.

ANNEXURE R5.A: COPY OF THE LETTER NO.A2.4599/03 DT. 25/12/2003.

ANNEXURE R5.B: COPY OF THE LETER NO. A2.2078/03. DTD. 04/07/2003.

ANNEXURE R5.C: COPY OF THE LETTER NO. A2.4595/03 DT. 23/12/2003.

ANNEXURE R5.D: COPY OF THE LETTER NO. A2.4596/03 DT. 25/12/2003.

ANNEXURE R5.E: COPY OF THE LETTER NO. A2.1085/03 DT. 19/05/2003.

ANNEXURE R5.F: COPY OF THE LETTER NO. A2.4600/03 DT. 22/12/2003.

ANNEXURE R5.G: COPY OF THE LETTER NO. A2.4597/03 DT. 25/12/2003.

ANNEXURE R5.H: COPY OF THE LETTER NO. A2.4598/03 DT. 25/12/2003.

W.P.(C). NO.905/04:

ANNEXURE R5.I: COPY OF THE LETTER NO. C2.1213/03 DT. 21/01/04.

ANNEXURE R5.J: COPY OF THE LETTER NO. A2.1046/03 DT. 19/05/2003.

ANNEXURE R5.K: COPY OF THE LETTER NO. A2.1433/03 DT. 24/06/2003.

ANNEXURE R5.I: COPY OF THE LETTER NO. C2.1213/03 DT. 21/01/04.

ANNEXURE R5.M: COPY OF THE LETTER NO. A2.4097/02 DT. 28/10/2003.

ANNEXURE R5.N: COPY OF THE LETTER NO. A2.4755/03 DT. 13/01/2004.

ANNEXURE R5.O: COPY OF THE LETTER NO. A2.4752/03 DT. 26/12/2003.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P. (C). NO. 905 OF 2004

Dated this the 12th day of July, 2007.

J U D G M E N T

This writ petition is filed mainly with the following prayers:

> i) Issue a writ of mandamus or any other appropriate writs, orders or directions commanding the respondents 4 and 5 to issue no-objection certificates to all the 83 industrial units applied for the same contained in Exhibit P3 list, forthwith, without any further delay.
>
> ii) Issue a writ of mandamus or any other appropriate writs, orders or directions commanding the 3rd respondent not to cancel the factory licences issued to the 83 industrial units contained in Exhibit P3 for the reason of non-production of No-objection certificate by the D.F.O.

2. In view of the intervening developments, in case the petitioner-Association has still any grievance left, they may approach the second and sixth respondents, in which case, appropriate prompt action will be taken in the matter in accordance with law.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp